

Summary
TEC Tribal Topic Group Conference Call
August 2, 2006

Participants: Jay Jones, Department of Energy (DOE)/Office of Civilian Radioactive Waste Management (OCRWM), chaired the session. Other Topic Group members included Kevin Blackwell (Federal Railroad Administration), Peter Blaney (Legin, Inc.), Elizabeth Helvey (JK Research Associates, Inc./BSC), Ed Gonzales (Pueblo de San Ildefonso), Angela Kordyak (DOE/Office of General Counsel), Robert Lupton (DOE/NV), Corinne Macaluso (DOE/OCRWM), Titto Moses (Confederated Tribes of the Umatilla Indian Reservation), Christina Nelson (National Conference of State Legislatures), Jennifer Patric (Booz Allen Hamilton), Stanley Paytiamo (Pueblo of Acoma), Wilda Portner (SAIC), Willie Preacher (Shoshone-Bannock Tribes), Herman Shorty (Navajo Nation), Larry Stern (Commercial Vehicle Safety Alliance), Kevin Tafoya (Santa Clara Pueblo), Laura Van Houten (Legin), Neil Weber (Pueblo de San Ildefonso).

Responsible Party

Action to be Taken

Wilda Portner, SAIC

Prepare draft summary and send to Group.
Provide Group with:
National Academies report,
Acoma emergency response MOU and ID card,
Model Needs Assessment.

Bob Lupton, DOE/NV and
Wilda Portner, SAIC

Provide Group with Web cast address for
Congressional hearings.

Elizabeth Helvey, JKA/BSC

Draft email to group introducing topics for
September Group meeting (WPortner to
distribute).

SUMMARY:

Jay Jones, DOE Office of Civilian Radioactive Waste Management (OCRWM) opened the teleconference with a round of introductions. General announcements: Ward Sproat (Director of OCRWM) is testifying at Congressional hearings this month (Tribal Topic Group members will be emailed Web cast address); Mr. Sproat announced that Yucca Mountain has a planned opening of 2017. Jay will be starting a national transportation routing exercise at the next TEC meeting.

TEC Meeting

The next TEC meeting will be held in Green Bay, Wisconsin (on the Oneida Reservation), September 13-14, 2006. OCRWM is seeking Tribal perspectives on the National Academies of Science report on spent nuclear fuel and high-level radioactive waste transportation in the United States (Plenary III of TEC meeting on September 13 addresses this report; W. Portner will locate report and make available to Group members). Jay asked Willie Preacher (Shoshone-Bannock Tribes) if he would review the report. The first day of the TEC meeting will feature a plenary session on transportation routing and the initiation of a national routing approach. Jay anticipates that a separate TEC “routing” topic group will be formed and hopes to achieve a broad representation of stakeholders to participate. He encouraged Tribal members to join the routing group.

(Note: Tribal Topic Group will meet on September 14 from 8 to 10 a.m.)

Revisions to Draft 180(c) Discussion Paper

Corinne Macaluso (OCRWM) led talks on the subject paper. Key discussion points follow:

- Ella McNeil (DOE/Office of Environmental Management) has arranged for a demonstration during the TEC meeting on how to conduct a survey online using the DOE Transportation Emergency Preparedness Program (TEPP) Needs Assessment (W. Portner to provide members with copy of Needs Assessment).
- The needs assessment approach might be better for some Tribes, while using a set of evaluation criteria and allowable activities might work better for others. Page 11 of the revised paper lists advantages and disadvantages of the needs assessment approach.
- If membership of the Tribal Topic Group agrees with the funding and technical assistance approach outlined in the revised paper, Corinne Macaluso would go to OCRWM management with those recommendations. Then, a *Federal Register* notice (FRN) would be issued for comment by other Tribes. Ed Gonzales (Pueblo de San Ildefonso) suggested OCRWM consider issuing a letter to the “39 Tribes” previously identified along potential transportation routes to inform them of the FRN and to offer to visit them to discuss the issue.
- Tribal members on the call reminded OCRWM of their role in participating in the TEC and that they do not speak for all Tribal nations.
- Corinne said that when the FRN is ready for filing, a draft email will be provided to the TEC Tribal Topic Group for comment. Jay said OCRWM will make a renewed attempt at contacting the 39 Tribes (to follow up on last year’s efforts). The FRN will be a topic at the September meeting.
- Jay said a “Routing” Topic Group will likely be formed at TEC and will look at multiple criteria which will result in a national suite of transportation routes to Yucca Mountain. This suite of routes could result in changes to the list of Tribes. A ½ mile parameter was used in the Environmental Impact Statement (EIS), and Tribal rights will be addressed on a case-by-case basis.

- Appendix B to the paper addresses eligibility based on the 1998 FRN definition. At the recommendation of Ed Gonzales, Corinne contacted Ron Hall (Tribal Technical Assistance Program, Colorado State University; TTAP) on the subject of eligibility. During those discussions, Ron Hall pointed out that there may be situations where Tribes have emergency response authority but not the capacity to respond; local governments may step in in such situations and it is difficult to define authority between Tribes and State and other government agencies (W. Portner will re-send membership a copy of the Acoma Pueblo Memorandum of Understanding with local governments). The current DOE policy document does not define “responsible jurisdiction;” callers recommended that the discussion paper reflect an approach wherein DOE would work out eligibility with Tribes on a case-by-case basis.
- Willie Preacher pointed out that the paper refers to “all affected Tribes,” while DOE says it works with “Federally recognized Tribes;” needs to be clear.

Jay wrapped up the call by suggesting Elizabeth Helvey (JK Research Associates, BSC) draft an email to the Tribal Topic Group introducing them to the issues to be discussed at the Tribal Topic Group meeting in September. He will develop and distribute an agenda for the meeting.